

Exhibit 4

ROBERT CHAVEZ
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERMÈS INTERNATIONAL and :
HERMÈS OF PARIS, INC., :
Plaintiffs, : Civil Action No.
: 22-CV-00384
v. :
MASON ROTHSCHILD, :
Defendant. :
----- :

VIDEOTAPE DEPOSITION OF:
ROBERT CHAVEZ
NEW YORK, NEW YORK
WEDNESDAY, JANUARY 11, 2023

REPORTED BY:
SILVIA P. WAGE, CCR, CRR, RPR
JOB NO. 5645292

1 ROBERT CHAVEZ

2 MR. SPRIGMAN: And also Ret Millsaps
3 from Lex Lumina on behalf of Defendant Mason
4 Rothschild.

5 MR. WARSHAVSKY: And Lisa Gehman,
6 G-E-H-M-A-N, is joining -- from Baker Hostetler
7 is joining us remotely as well.

8 THE VIDEOGRAPHER: And will the Court
9 Reporter please swear in the witness and then
10 Counsel may proceed.

11 THE STENOGRAPHER: Sir, can you
12 please raise your right hand, so I can administer
13 the oath.

14 ROBERT CHAVEZ,
15 Hermès of Paris, 55 East 59th Street, New
16 York, New York 10022, after having been
17 duly sworn, was examined and testified as
18 follows:

19 THE STENOGRAPHER: Thank you.

20 You may proceed.

21 EXAMINATION BY MR. WARSHAVSKY:

22 Q. Can you please state your name for
23 the record.

24 A. Robert Chavez.

25 Q. Mr. Chavez, are you employed?

1 ROBERT CHAVEZ

2 A. Yes, I am.

3 Q. By whom?

4 A. Hermès of Paris Inc.

5 Q. That's one of the Plaintiffs in this
6 case?

7 A. Yes.

8 Q. How long have you been employed by
9 Hermès of Paris?

10 A. Twenty-two and a half years.

11 Q. What is your current role at Hermès
12 of Paris?

13 A. President and Chief Executive
14 Officer.

15 Q. Has this always been your role?

16 A. Yes, it has.

17 Q. Can you briefly describe your
18 responsibilities as the CEO of Hermès of Paris?

19 A. I'm in charge of all aspects of the
20 business for Hermès in both the US and Latin
21 America including finance, accounting, Human
22 Resources, merchandizing, store planning and
23 overall strategy of the brand.

24 Q. I would like to back up in time a
25 little bit and walk us through a little bit of

1 ROBERT CHAVEZ

2 A. I would say it was the handles, the
3 durability, the shape of the bag, the size of the
4 bag, the functionality of the bag and then, of
5 course, the signature straps and the clasp.

6 Q. And what do you mean by "the
7 signature straps"?

8 A. The straps that actually hold the bag
9 together. It's a unique creation that the
10 company had done. And it allows the bag to be
11 very functional either opened or closed.

12 Q. Does Hermès own a US trademark
13 registration for Birkin?

14 A. Yes, we do.

15 Q. Have you seen that certificate of
16 registration before?

17 A. I have, yes.

18 Q. Turn to Exhibit 5.

19 (Deposition Exhibit 5, trademark
20 registration for Birkin HERMES_0007355 to
21 HERMES_0007647, was marked for identification.)

22 A. (The witness complies.)

23 Q. Have you ever seen this document
24 before?

25 A. Yes, I have.

1 ROBERT CHAVEZ

2 Q. Can you tell us what this document
3 is?

4 A. It's the trademark registration for
5 Birkin.

6 MR. WARSHAVSKY: We offer Exhibit 5
7 into evidence.

8 MR. OPPENHEIM: No objection.

9 (Deposition Exhibit 5 was moved into
10 evidence.)

11 Q. Does Hermès own any other trademarks
12 covering the Birkin handbag?

13 A. Yes, we do.

14 Q. And what are those trademarks?

15 A. We own the trademark for the actual
16 shape and design of the bag.

17 Q. When you say, "shape and design," do
18 you mean the configuration of the Birkin bag?

19 A. Yes.

20 Q. Can you turn to Exhibit 6.

21 (Deposition Exhibit 6, trademark
22 configuration of the Birkin HERMES_0007673 to
23 HERMES_0007675 and HERMES_0007961 &
24 HERMES_0007966, was marked for identification.)

25 A. (The witness complies.)

1 ROBERT CHAVEZ

2 Q. Have you seen this document before?

3 A. Yes, I have.

4 Q. Can you tell me what this document
5 is?

6 A. This is the trademark for the
7 configuration of the Birkin bag.

8 MR. WARSHAVSKY: We'd offer Exhibit 6
9 into evidence.

10 MR. OPPENHEIM: No objection.

11 (Deposition Exhibit 6 was moved into
12 evidence.)

13 Q. Does Hermès own US trademark
14 registrations for the name Hermès?

15 A. Yes, we do.

16 Q. Can you turn to Exhibit 7.

17 (Deposition Exhibit 7, registered
18 trademarks for the name Hermès beginning with
19 Bates HERMES_0037508, was marked for
20 identification.)

21 A. (The witness complies.)

22 Q. Have you seen this document before?

23 A. Yes, I have.

24 Q. Can you tell us what this is?

25 A. These are the registered trademarks

1 ROBERT CHAVEZ

2 for the name Hermès.

3 MR. WARSHAVSKY: We offer Exhibit 7
4 into evidence.

5 MR. OPPENHEIM: No objection.

6 (Deposition Exhibit 7 was moved into
7 evidence.)

8 Q. Now, I've been using the name Hermès
9 quite a bit.

10 Does Hermès of Paris own these
11 registrations?

12 A. No, we do not.

13 Q. Who owns these registrations?

14 A. Hermès International.

15 Q. Does Hermès of Paris have a
16 relationship to these trademark registrations?

17 A. Yes, we have exclusive rights to use
18 these trademarks in the United States.

19 Q. What value does Hermès place on the
20 Birkin trademark?

21 A. It's really invaluable to us.

22 Q. Why is that?

23 A. Because it is our -- it's our most
24 well-known and recognizable product.

25 Q. When you say, it's the most

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ROBERT CHAVEZ

"recognizable product," what do you mean by that?

A. Because of all the publicity, attention, media that's been given to the bag over the many many decades, people recognize the bag from a distance. They recognize it in photographs. They recognize it on the street. It's just a very highly recognizable handbag.

MR. OPPENHEIM: Objection, the same as before, Oren. We're just going to put a pin in this and move on. [MOTION] But I'll renew my motion to strike that evidence about what other people think.

MR. WARSHAVSKY: Okay.

Q. Is the Birkin a significant part of Hermès' business?

A. Yes, it is.

Q. Can you quantify that?

A. Yes, it's our best selling product and we sell -- we've sold a hundred million dollars worth of these handbags, at least, over the last ten years.

Q. And that's US dollars?

A. Yes.

Q. Are there features of the Birkin bag

1 ROBERT CHAVEZ

2 Q. Can you tell us what it is?

3 A. This too is a compilation of Birkin
4 bag appearing in several movies.

5 Q. And who created this?

6 A. Hermès International.

7 Q. And why did Hermès create this?

8 A. Well, because we save -- we all kind
9 of all of the coverage that we get.

10 MR. WARSHAVSKY: We would move
11 Exhibit 10 into evidence.

12 MR. OPPENHEIM: No objection.

13 (Deposition Exhibit 10 was moved into
14 evidence.)

15 Q. Does this press impact Hermès'
16 business?

17 A. Yes, it does.

18 Q. How so?

19 A. It increases the awareness level even
20 more and it creates an even higher demand for the
21 bag.

22 Q. Does Hermès advertise the Birkin bag?

23 A. Yes, we do.

24 Q. I'd like to show you Exhibit 11.

25 (Deposition Exhibit 11, color copy of

1 ROBERT CHAVEZ

2 one page of a national ad campaign from the early
3 2000s with no Bates, was marked for
4 identification.)

5 Q. Have you ever seen this document
6 before?

7 A. I have, yes.

8 Q. Can you tell us generally what this
9 is?

10 A. This was a part of our national ad
11 campaign back in the early 2000s.

12 Q. And what products are shown in this
13 advertisement?

14 A. In addition to the one scarf there
15 are two Birkin bags featured in this ad.

16 MR. WARSHAVSKY: We move Exhibit 11
17 into evidence.

18 MR. OPPENHEIM: No objection.

19 (Deposition Exhibit 11 was moved into
20 evidence.)

21 Q. Can you please turn to Exhibit 12.

22 (Deposition Exhibit 12, black and
23 white copies of ads with beginning Bates
24 HERMES_0001406, was marked for identification.)

25 A. Yes.

1 ROBERT CHAVEZ

2 Q. Have you ever seen Exhibit 12 before?

3 A. Yes, I have.

4 Q. Can you tell us what that is?

5 A. Again, it's a compilation of all of
6 the ad that we just saw appearing in many of the
7 magazines that we advertise in.

8 Q. Did Hermès create this compilation?

9 A. Yes, we did.

10 MR. WARSHAVSKY: We move Exhibit 12
11 into evidence.

12 MR. OPPENHEIM: No objection.

13 (Deposition Exhibit 12 was moved into
14 evidence.)

15 Q. And what was the reaction to this
16 advertisement?

17 A. It was unbelievable.

18 Q. What do you mean by that?

19 A. It created quite a stir in the market
20 and brought huge attention to the Birkin bag
21 again.

22 Q. How much does Hermès spend a year in
23 advertising?

24 A. We spend millions of dollars a year
25 in advertising.

1 ROBERT CHAVEZ

2 Q. Does that include advertising the
3 Birkin handbag?

4 A. Yes, it does.

5 Q. Where are the Birkin handbags sold?

6 A. They're sold in our stores here in
7 the United States and around the world, Hermès
8 stores.

9 Q. Can a customer buy a Hermès bag on
10 the website?

11 A. No, they cannot.

12 Q. And earlier you spoke a little about
13 demand. I want to go back to that.

14 Can you explain the process from when
15 a customer walks into purchase a Birkin handbag
16 what happens next?

17 A. Yes. Clients come in requesting a
18 Birkin handbag. Most likely, we will not have
19 availability at that time or it's very rare that
20 we would have availability at that time. So we
21 will have a conversation with the client. We
22 will take their wish list and then we will get
23 back to them as soon as we have an idea as to
24 when we think we might be getting a bag in that
25 this is what they're looking for.

1 ROBERT CHAVEZ

2 C E R T I F I C A T E O F R E P O R T E R

3 I, SILVIA P. WAGE, a Certified Shorthand
4 Reporter, Certified Realtime Reporter and Registered
5 Reporter, hereby certify that the witness in the
6 foregoing deposition was by me duly sworn to tell
7 the truth, the whole truth, and nothing but the
8 truth in the within-entitled cause; that said
9 deposition was taken down in shorthand by me, a
10 disinterested person, at the time and place
11 therein stated, and that the testimony of the
12 said witness was thereafter reduced to typewriting,
13 by computer, under my direction and supervision;
14 that before completion of the deposition, review
15 of the transcript [X] was [] was not requested.
16 If requested, any changes made by the deponent
17 (and provided to the reporter) during the period
18 allowed are appended hereto.

19 I further certify that I am not of counsel
20 or attorney for either or any of the parties to
21 the said deposition, nor in any way interested in
22 the event of this cause, and that I am not
23 related to any of the parties thereto.
24

January 16, 2023

25  license No. 30X100182700